

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 4, 8, 10 and 11 have been amended. Support for the amendments may be found at least at paragraphs [0013] and [0014] and therefore no new matter has been presented.

Claims 1 –12 are pending and under consideration.

REJECTIONS UNDER 35 USC 102:

Claims 1-12 stands rejected under 35 U.S.C. 102(b) as being anticipated by Eisler et al., U.S. Patent No. 5,964,843 ("Eisler"). This rejection is respectfully traversed.

Eisler fails to disclose at least "displaying the 32 bit dialogue window corresponding to the converted 32 bit dialogue window information and not displaying the 16 bit dialog window" as recited in amended independent claim 1. The Office Action at page 9, item 23 cites col. 5, lines 47-51 of Eisler as anticipating the limitation because "user interface/display data used in connection with a display device interface and system inherently includes dialogue window information that is meant for display." Eisler states therein:

In the example of user interface intensive multimedia applications, certain enhanced or improved display functionality is available to the application if 32-bit code is used, but that 32-bit code must operate efficiently and safely with (sic) the existing 16-bit interfaces. The present invention is directed to improving the interaction of applications and devices that utilize a combination of 16- and 32-bit components

Here, and elsewhere in the reference, Eisler discusses utilizing "a combination of 16- and 32-bit components." For example, Eisler also states "[t]he device driver 126 is made up of 16-bit device driver 128, and 32-bit device driver 130. The system of the present invention includes some portion of both the 16- and 32-bit drivers" (col. 10, lines 45-48).

Applicants respectfully disagree with the Office Action's assertion that the above-claimed features are inherently disclosed in the cited Eisler text, or elsewhere in Eisler. Using a combination of 16- and 32-bit drivers, as in Eisler, does not inherently include "displaying the 32 bit dialogue window corresponding to the converted 32 bit dialogue window information and not displaying the 16 bit dialog window," in particular for a 16-bit environment such as a computer

using Windows 95. To the contrary, in a 16-bit environment it would be natural to display a 16 bit dialogue window, as is typically provided in the control panel of Windows 95.

Similarly, using a combination of 16- and 32-bit drivers, as described in Eisler, would inherently mean displaying both a 16 bit dialogue window and a 32 bit dialogue window. Further, there is nothing in Eisler that states anything to the contrary. Accordingly, Eisler's use of a combination of 16- and 32-bit drivers does not inherently anticipate the above-claimed features.

Eisler fails to disclose at least "requesting an operating system supporting a 16 bit device control portion to display a 32 bit dialogue window for exchange of information between a user and a predetermined device and not a 16 bit dialog window" as recited in amended independent claim 1. The Office Action at page 2, item 6 cites col. 11, lines 9-20 & 59-65 and col. 5, lines 47-51 of Eisler as anticipating the limitation, again because the "user interface/display data inherently includes dialogue window information."

Applicants respectfully disagree with the Office Action's assertion that the above-claimed features are inherently disclosed in the cited Eisler text, or elsewhere in Eisler. Using the same rationale asserted above, Eisler's use of a combination of 16- and 32-bit drivers does not inherently anticipate the above-claimed features.

Accordingly, Applicants respectfully submit that amended independent claim 1 patentably distinguishes over the cited reference, and should be allowable for at least the above-mentioned reasons. Since similar features recited by each of the independent claims 4, 8, 9 and 11, with potentially differing scope and breadth, are not taught or disclosed by the reference, the rejection should be withdrawn and claims 4, 8, 9 and 11 allowed.

Further, Applicants respectfully submit that claims 2-3, 5-7 and 12, which variously depend from independent claims 1, 4 and 11, should be allowable for at least the same reasons as claims 1, 4 and 11, as well as for the additional features recited therein.

Eisler fails to disclose at least "displaying the single device driver dialogue window regardless of an operating system type" as recited in amended independent claim 10.

The current Office Action at page 9, item 24 cites the Abstract of Eisler as anticipating the limitation because Eisler "does not limit his invention to any particular operating system."

Applicants assert the rejection of claim 10 based on the Eisler Abstract is improper. MPEP § 706.02, part II states:

Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally

inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) (unpublished).

Accordingly, Applicants respectfully request that support for the rejection be provided from the specification of Eisler if the rejection is to be maintained. Moreover, Applicants assert the current Office Action fails to address Applicants' previous arguments. As noted in at least MPEP 707.07(f), the Examiner is required to answer and address all traversals.

FIG. 4 of Eisler clearly illustrates two distinct bit drivers, 16-bit driver 128 and 32-bit driver 130, interfacing with a display device. Similarly, Eisler discusses the drivers as distinct entities. For example, Eisler, at col. 11, lines 11-15, states "those functions that are not supported by the 32 bit driver are passed to the...16-bit driver." The previous Office Action cited col. 10, lines 54-56 of Eisler in its rejection of claim 10. Eisler states therein "[t]he two drivers work closely together and are likely provided as a single driver component." However, even if provided as a single driver component, the drivers in Eisler must remain distinct to function as described in the reference. For example, Eisler states at col. 10, lines 45-51, "the system of the present invention includes some portion of both the 16- and 32-bit drivers" and "little modification is required of the existing drivers." In fact, Eisler only mentions a device driver dialogue window a single time at col. 11, lines 21-26, where Eisler states:

"In some types of devices, during processing, device settings or modes will change. For example, in a display device, the mode might be changed by a user or an application; a game, a full screen DOS session, and a direct change to display settings (e.g., via the display dialogue provided by the Windows operating system control panel) can all cause changes to the display device mode."

The above-cited text from Eisler confirms that Eisler simply relies on the operating system to provide whichever device driver dialogue window is appropriate. In other words, if a 16 bit device driver is used Eisler uses a 16 bit device driver dialogue window, and if a 32 bit device driver is used Eisler uses a 32 bit device driver dialogue window. If a combination of 16- and 32-bit drivers are used, as is the case in Eisler, Eisler uses both a 16 bit device driver dialogue window and a 32 bit device driver dialogue window. Therefore, Eisler fails to disclose the above-claimed features of amended independent claim 10.

Eisler fails to disclose at least "modifying the 16 bit dialogue window information to the converted 32 bit dialogue window information, in response to the 32 bit base dialogue window information" as recited in dependent claim 2. Eisler states at col. 10, lines 45-51, "the system of the present invention includes some portion of both the 16- and 32-bit drivers." Accordingly,

because Eisler illustrates two distinct bit drivers, 16-bit driver 128 and 32-bit driver 130, Eisler has no reason for "modifying the 16 bit dialogue window information to the converted 32 bit dialogue window information." Further, The Office Action fails to specifically set forth if and where the above-recited features are disclosed in Eisler. If the above rejection is to be maintained, Applicants respectfully request the Examiner provide a specific paragraph number and figure reference, or specifically indicate if an assertion of inherency is being relied upon.

Accordingly, Applicants respectfully submit that dependent claim 2 patentably distinguishes over the cited reference, and should be allowable for at least the above-mentioned reasons. Since similar features recited by dependent claim 5, with potentially differing scope and breadth, are not taught or disclosed by the reference, the rejection should be withdrawn and claim 5 also allowed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: _____


David J. Cutitta
Registration No. 52,790

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501